

THE HONORABLE LAUREN KING

UNITED STATES DISTRICT COURT FOR  
WESTERN DISTRICT OF WASHINGTON

SANG W. MENDY, an individual,

Case No.: 2:22-cv-01426

Plaintiff,

v.

FIRST AMENDED COMPLAINT FOR  
DAMAGES

TRACY L. LARSON, an individual,

MILL CREEK RESIDENTIAL SERVICES  
LLC, a corporation in the State of Delaware,

NORTHWEST SECURITY SERVICES, Inc, a  
corporation in the State of Washington,

AMERICAN SECURITY PROGRAMS, Inc, a  
corporation in the State of Virginia,

Plaintiff SANG W. MENDY alleges as follows:

**I. Nature Of Action**

1.1 This is an action to recover damages under the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. § 3604(b) and 42 U.S.C. § 3617. Specifically, under Section 3604(b) Plaintiff alleges that the Defendants “created a hostile housing environment based on race.”; interfered with Plaintiff’s Fair Housing Rights based on Race pursuant to 24 CFR Section 100.400; and Negligently failed to train or supervise employees in retaining video footage that

1 would have proven that Plaintiff, Mr. Mendy, was discriminated against by Defendant, Tracy  
2 Larsen.

## 3 II. Jurisdiction and Venue

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5 2.1 This Court has subject matter jurisdiction under 28 U.S.C § 1331, 28 U.S.C. §  
6 1343(a)(4), and 42 U.S.C § 3613(a)(1)(A) over plaintiff's claims under the Fair Housing Act, 42  
7 U.S.C. § 3601 *et seq.*

8  
9 2.2 The Court has personal jurisdiction over defendants. Defendant Tracy Larson, who  
10 resides in Shoreline, Washington, within the Western District of Washington, was working for  
11 Northwest Security Services, Inc., "Northwest Security Services", a Washington For-Profit  
12 Corporation, Washington State registration number 601 010 288; this corporation was subject to  
13 personal jurisdiction at the time the discrimination commenced as outlined in 28 U.S.C. § 1391  
14 (b); and this corporation, complete with all of its assets, debts and liabilities merged into American  
15 Security Programs, Inc, "American Security Programs", effective October 27, 2021; thus  
16 American Security Programs purposefully availed themselves of Washington State by purchasing  
17 a Washington corporation and continuing to conduct business in Washington. Mill Creek  
18 Residential Services LLC too purposefully availed themselves of Washington State by creating  
19 1608 housing units in seven major housing developments in Seattle alone, in addition to another  
20 five major housing developments in Redmond, Everett and Lacey.

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22  
23 2.3 Venue is proper in the Western District of Washington because the unlawful  
24 practices alleged herein took place in this District, and the defendants reside or operate in this  
25 district. *See* 28 U.S.C. § 1391(b).

### III. The Parties to This Complaint

3.1 Plaintiff Sang W. Mendy is an adult man with a clean record, residing in Seattle, Washington. Mr. Mendy is Black and an immigrant from The Gambia, West Africa for the purposes of 42 U.S.C. § 3601 *et seq.* Mr. Mendy has not brought any other lawsuits in any federal court in the United States.

3.2 Defendant Mill Creek Residential Services LLC or “Mill Creek Residential” is a Delaware Limited Liability Corporation, with 12 major housing developments in Western Washington. They formerly owned, managed and operated the apartment complex at 1801 South Jackson St, Seattle, Washington 98144, at which plaintiff resided with his family. While they owned this property, including throughout the duration of the events that took place in this complaint, the property was known as “Modera Jackson”, and this complaint will refer to it as such.

3.3 Defendant Tracy Larson is an adult man who at all times relevant, was a security guard for Northwest Security Services, Inc., and worked regularly as a security patrol officer at the Modera Jackson complex where plaintiff resided with his family. Northwest Security Services was contracted by Modera / Mill Creek Residential to provide security at its premises. Records show that Northwest Security Services and Mill Creek Residential were aware of multiple incidents where Defendant Mr. Larson racially profiled and harassed Black residents at the Modera Jackson. Following a merger dated October 27, 2021, Defendant American Security Programs is the legal owner of all assets, debts and liabilities that accrued to Northwest Security Services.

3.4 Northwest Security Services was a corporation organized under the laws of the State of Washington throughout the entire period that the harassment and discrimination took place.

1 Defendant American Security Programs is a corporation in the State of Virginia which has  
2 contracts throughout Western Washington. The Registered Agent for American Security Programs,  
3 Inc. is CT Corporation System located at 1801 West Bay Drive NW, Suite 206, Olympia, WA  
4 98502. CT Corporation System is also the registered agent for Mill Creek Residential Services  
5 LLC.  
6

#### 7 8 **IV. Statement of Claim**

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10 4.1 Plaintiff Sang Mendy moved into the Modera Jackson apartments, in part because  
11 he was seeking safety and security for his family and himself.

12  
13 4.2 Mr. Mendy and his partner Marnie Nordling applied to lease an apartment at the  
14 Modera Jackson located at 1801 South Jackson St, Seattle, Washington 98144 before the building  
15 was even open. They moved into their three-bedroom apartment with their two children October  
16 1, 2019, the very month that the building first opened.

17  
18 4.3 Modera Jackson / Mill Creek Residential Trust LLC contracted with Northwest  
19 Security Services to provide security for the first two years that the Modera Jackson was operating  
20 as a provider of rental housing units.

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22 4.4 Within Mr. Mendy's first year of living at the Modera Jackson, Mr. Larson,  
23 working for Northwest Security Services and thus contracted by Mill Creek Residential began  
24 harassing Mr. Mendy. The first time Mr. Mendy was racially profiled and harassed by Mr. Larson,  
25 Mr. Mendy was sitting in a shared public lobby on the first floor. Mr. Larson asked to see his key  
26 fob and before Mr. Mendy could reply he shouted at him, "You need to leave!"  
27

1           4.5     Whenever Mr. Larson saw Mr. Mendy alone or with a black friend, he would ask  
2 to see his ID, his key fob or ask what room number he was in. Whenever Mr. Larson saw Mr.  
3 Mendy with his partner, who's white, he would refrain from harassing him.  
4

5           4.6     According to Natalie Benoit, a manager at Modera, the security guards should not  
6 be asking anyone for proof that they live there unless there is some other issue or cause for concern.  
7 Residents and guests alike should be free to move about without being asked for ID or proof of  
8 residency.  
9

10          4.7     Mr. Larson asked Mr. Mendy if he was a resident on three separate occasions. Mr.  
11 Mendy began avoiding Mr. Larson whenever he was patrolling. Mr. Mendy thought that after a  
12 while Mr. Larson would recognize him and start leaving him alone.  
13

14          4.8     In August 2019, another black resident at the Modera Jackson reported concerns  
15 with Defendant Mr. Larson. Mr. Larson escalated a simple noise complaint, called the police and  
16 reportedly made false accusations against her group, which he saw it relevant to point out included  
17 "black people". Modera resident Shaquelle Duncan wrote in an email to Modera: "I am writing  
18 because I am under the belief that the security guard's actions were racially charged, as he told  
19 dispatch that there were black people in our group and also told them that someone in the group  
20 obstructed him from calling the police when no one did no such thing."  
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23          4.9     Natalie Benoit, a Manager at Modera, reached out to Defendant Northwest Security  
24 Services to follow up on this incident, writing in an email: "The resident has come to us and alleged  
25 that the security guard made racial remarks against her and her party. I would like to gain a more  
26 detailed statement from you and your agents' end of exactly what took place, as we take these  
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1 complaints very seriously. If you could let me know of a more detailed exchange between your  
2 agent and my resident as soon as possible, I would greatly appreciate it.”

3  
4 4.10 Northwest Security Services Business Development Manager Al Barto, forwards a  
5 response from Northwest Security Services Patrol Operations Manager David Johann to Natalie  
6 Benoit, Manager at Modera. He ignores the allegations that his security patrol officer Defendant  
7 Mr. Larson had “made racial remarks” and responds, “it appears to be a disgruntled tenant at first  
8 glance”.

9  
10 4.11 There is no evidence that Defendant Northwest Security Services took the  
11 accusation of “racial remarks” seriously, let alone reprimanded their employee or sent him for  
12 retraining. Northwest Security Services’ negligent hiring, training, and supervision created a  
13 pattern and practice of Black residents being denied the same privileges as other residents and  
14 being made unsafe in their homes.

15  
16 4.12 Mill Creek Residential for their part did not take sufficient action to protect their  
17 residents. Despite Manager Natalie Benoit’s strongly worded email that they take allegations of  
18 “racial remarks” very seriously, and despite meeting with the resident who was targeted, it seems  
19 that Mill Creek Residential did nothing to follow up on Mr. Larson’s record, character or risk to  
20 the community after hearing back from Northwest Security Services’ Patrol Operations Manager  
21 that “After checking with the officer, unfortunately all he confirmed was that she was very rude  
22 from the start of the contact, and got ruder when they did not initially comply with the noise  
23 complaint and he let them know he was serious about needing to contact 911 if they did not quiet  
24 down.” This email ended their exchange on Defendant Tracy Larson’s racial remarks towards  
25 Shaquelle Duncan.

1           4.12 On October 9, 2020, Defendant Mr. Tracy Larson made a false allegation of assault  
2 against Plaintiff Mr. Mendy. There are inconsistencies between Mr. Larson's 911 call, initial  
3 interviews by cops, and subsequent interviews. The Seattle Police Department were racially biased  
4 in their response, taking Mr. Larson's word, even when inconsistent, coaching more consistent  
5 responses, and not believing that Mr. Mendy lives there even though they have his key fob and  
6 he's recorded on video instructing the police to look at his key fob or check for his name on the  
7 call box.  
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10           4.13 The incident on October 9, 2020, began with Mr. Larson doing his rounds and  
11 finding Mr. Mendy in the 5th floor lobby. Consistent with his ongoing pattern of racially profiling  
12 Black people when they are not in the company of white people, he asks Mr. Mendy, "Do you live  
13 here? What's your room number?" Mr. Mendy stands up, annoyed and angry, and says,  
14 "Remember this face," pointing at his face. "You always ask me if I live here. F\*\*king remember  
15 this face." Mr. Larson then backs away and says, "Don't hit me." Mr. Mendy is confused, "Why  
16 would I hit you?" Mr. Larson then proceeded to leave and called the police saying that a Black  
17 man who was trespassing had hit him.  
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20           4.14 On or after October 10, 2020, Mill Creek Residential Staff, Felicity Alexander and  
21 Natalie Benoit, had knowledge that Mr. Mendy had been arrested.  
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24           4.15 Mr. Mendy was booked in the King County Jail that night and the following night  
25 during the height of Covid on account of Mr. Larson's false allegation. The Seattle City Attorney's  
26 office proceeded to press charges, tried to pressure a plea deal, eventually dropping all charges  
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1 after 13 months on November 24, 2021 on account of “lack of evidence”. Mr. Mendy was not able  
2 to work while there were false charges pending against him.

3  
4 4.16 Managers at Modera identified a pattern in Mr. Larson’s actions towards resident  
5 Shaquelle Duncan and resident Sang Mendy. Following Mr. Mendy’s release from jail, manager  
6 Natalie Benoit, on October 10, 2020, emailed manager Felicity Alexander forwarding the email  
7 from Shaquelle Duncan. “I dug this up. I recalled an incident similar to this awhile ago back when  
8 I worked at Jackson. As it turns out, it was actually the same security guard as the incident that  
9 took place with 216 the other day, and a very similar accusation!”  
10

11 4.17 Felicity Alexander writes, “we have asked that that officer no longer be dispatched  
12 to our community until we can hire a different company. We feel awful for our resident and hope  
13 this issue is resolved swiftly for him.” But they had information to take action sooner, and had  
14 they done so, Mr. Mendy’s terrifying and ongoing ordeal would have been avoided. Northwest  
15 Security Services and Mill Creek Residential for their part failed to take any action to prevent or  
16 otherwise discourage their officer and/or Agent from racially profiling or harassing Black residents  
17 at the apartment complexes where they were contracted to provide security for all residents equally  
18 and without discrimination.  
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21 4.18 The pattern and practice of Mr. Larson’s discriminatory treatment of Black  
22 residents and their guests, Northwest Security Services’ and Mill Creek Residential’s negligent  
23 hiring, training, and supervision and failure to take seriously allegations of their employees’ and  
24 agents racially charged language and discriminatory actions, and Mill Creek Residential doing too  
25 little too late allowing Mr. Larson to continue patrolling their premises even after evidence of his  
26 practices of racial discrimination were brought to their attention resulted in violations of the  
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1 Federal Fair Housing Act including generally 24 CFR Section 100.400, because Black residents  
2 did not enjoy the same privileges as other residents and in fact were harmed by having the police  
3 called on them, made unsafe in their own home by the security that was supposed to protect them.  
4 In Mr. Mendy's case he also had his livelihood stripped away from him simply for demanding  
5 dignity and respect at the place where he pays rent to live.  
6

7 4.19 Defendants Mr. Tracy Larson, Northwest Security Services, and Mill Creek  
8 Residential are all responsible for violations of the Federal Fair Housing Act through the acts of  
9 their employees and or through the acts of their agents through the legal doctrine of Respondeat  
10 Superior. Upon information and belief, Defendant American Security is liable for violations of  
11 the Fair Housing Act resulting from acts of NWSS and SecurAmerica employees that followed  
12 November 24, 2020.  
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14

15 4.20 On November 20, 2020, Defendant Mill Creek employees, Felicity Alexander and Natalie  
16 Benoit, were directly contacted by the King County Department of Public Defense Gerald Gregory  
17 regarding the criminal case that was then being prosecuted against Mr. Mendy.  
18

19 4.21 On or about November of 2020, Northwest Security became a subsidiary of  
20 SecurAmerica. See Dkt 67, pg. 3. Upon information and belief, Northwest Security continued to  
21 operate as a subsidiary of SecurAmerica and took no steps to investigate the incident between Mr.  
22 Larson and Mr. Mendy, nor did they view surveillance footage related to the incident between Mr.  
23 Mendy and Larson.  
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25 4.22 On October 27, 2021, NWSS and a number of other entities merged with and into  
26 American Security Programs. Id. Upon information and belief, American Security Programs, Inc  
27 inherited the service contract obligation between Mill Creek and NWSS.  
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1 4.22 Upon information and belief, Defendant American Security became joint and  
2 severally liable for acts arising from the activities of NWSS and SecurAmerica.

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4 4.23 Upon information and belief, Defendants, Mill Creek, NWSS, and American Security had  
5 the capabilities of reviewing, extracting, preserving, or recovering video surveillance footage of  
6 the October 9, 2020 “incident” between Plaintiff and Defendant Tracy Larson. Indeed, upon  
7 information and belief Tracy Larson was an employee of NWSS through at least February of  
8 2021, and an agent of Mill Creek during that time. The video surveillance would have shown the  
9 allegations by Mr. Larson against Mr. Mendy were false.  
10

## 11 **V. Injuries**

12 5.1 As a result of the false charges brought against Plaintiff Mr. Mendy on the basis  
13 of Defendant Mr. Larson’s false testimony, the Plaintiff lost both of his jobs and was unable to  
14 work for the 13-month period that the Seattle City Attorney’s Office pressed charges without any  
15 evidence. Ultimately, after the Plaintiff refused numerous plea deals, all charges were dropped  
16 without any conditions due to “lack of evidence”. But dropping the charges did not undo the  
17 financial hardship or the pain and suffering that they caused.  
18

19  
20 5.2 As a result of this experience, from Phase 1, being racially profiled and harassed  
21 in his own home over the course of a year; to Phase 2, being detained in the lobby of his home  
22 and arrested on false charges; to Phase 3, Defendant's not turning over video surveillance of the  
23 incident to law enforcement authorities to prove his innocence; to Phase 4, having false charges  
24 against him for 13 months during which time he was unable to work, Plaintiff Mr. Mendy, his  
25 partner and kids suffered financial hardship, insecurity and increased stress, difficulty sleeping,  
26 fearing for their safety in their own home. They accrued high credit card debt just to pay rent,  
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1 which they are still struggling to pay off. Mr. Mendy further suffered from distress, humiliation,  
2 and loss of enjoyment of life. Why was the Prosecutor pressing charges and coming at him with  
3 a barrage of plea deals? All of this brought up uncertainty around his immigration status. In Mr.  
4 Mendy's culture, it is understood that going to jail gives someone a lot of negative energy that  
5 can only be cleansed with certain cleansing rituals. Even after going home to conduct these  
6 rituals, he has been left with a high level of anxiety.  
7

## 8 9 10 **VI. prayer for Relief**

11 WHEREFORE, Plaintiff prays for the following:

12 6.1 For trial by jury on all claims;  
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14 6.2 For a declaration that the defendants' conduct violated federal law;  
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16 6.3 For an injunction to stop the defendants' illegal conduct and prevent it from  
17 occurring again in the future;

18 6.4 For special and general compensatory damages on all claims in an amount to be  
19 proven at the time of trial;  
20

21 6.5 For punitive damages under 42 U.S.C. § 3613 (c) (1), and as otherwise allowed by  
22 law;  
23

24 6.6. For the right to amend this complaint to conform to proof offered at trial; and  
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26 6.7 For such other and further relief as the Court deems just and proper.  
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6 Dated: June 11, 2024

7 Respectfully Submitted,  
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10 s/Nolan Lim, WSBA #36830  
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